

**UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

ALYSSA YOUNG,)
Plaintiff)
v.) Case No.:
VERDE ENERGY USA, INC.,) COMPLAINT AND DEMAND FOR
Defendant) JURY TRIAL

COMPLAINT

ALYSSA YOUNG (“Plaintiff”), by and through her attorneys, KIMMEL & SILVERMAN, P.C., allege the following against VERDE ENERGY USA, INC. (“Defendant”):

INTRODUCTION

1. Plaintiff's Complaint is based on the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq* ("TCPA").

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331. See
Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).

3. Defendant conducts business in the Commonwealth of Pennsylvania, and as such, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

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PARTIES

2 5. Plaintiff is a natural person residing in Duncannon, Pennsylvania
3 17020.

4 6. Plaintiff is a “person” as that term is defined by 47 U.S.C. § 153(39).

5 7. Defendant is a company with its principal place of business located at
6 101 Merritt 7, 2nd Floor, Norwalk Connecticut 06851.

7 8. Defendant is a “person” as that term is defined by 47 U.S.C. § 153
9 (39).

10 9. At all relevant times, Defendant acted through its agents, employees,
11 officers, members, directors, heirs, successors, assigns, principals, trustees,
12 sureties, subrogees, representatives, and insurers.

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FACTUAL ALLEGATIONS

14 10. Plaintiff has a cellular telephone number that she has had for more
15 than one (1) year.

16 11. Plaintiff has only used this number as a cellular telephone number.

17 12. The phone number has been assigned to a cellular telephone service
18 for which Plaintiff incurs a charge for incoming calls.

19 13. Beginning in late October 2014, and continuing through May 2015,
20 Defendant called Plaintiff on her cellular telephone on a repetitive and continuous
21 basis, calling her, on average, one (1) to three (3) times a day.
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14. When contacting Plaintiff on her cellular telephone, Defendant used an automatic telephone dialing system and/or automatic and/or pre-recorded messages.

15. Defendant's automated messages left on Plaintiff's voicemail identified "Verde Energy" as the caller and to call back at the provided number.

16. Defendant's telephone calls were not made for "emergency purposes."

17. Plaintiff never gave permission to Defendant to call her cellular telephone.

18. Plaintiff never furnished Defendant with her cell number and never authorized Defendant to call her.

19. Upon information and belief, Defendant conducts its business in a manner that violates the TCPA.

**DEFENDANT VIOLATED THE
TELEPHONE CONSUMER PROTECTION ACT**

COUNT I

20. Plaintiff incorporates the foregoing paragraphs as though the same were set forth at length herein.

21. Defendant initiated multiple automated telephone calls to Plaintiff's cellular telephone using an automated message and/or prerecorded voice and/or automatic telephone dialing system.

22. Defendant's calls to Plaintiff were not made for emergency purposes.

23. Defendant's calls to Plaintiff were not made with Plaintiff's prior express consent.

24. Defendant's acts as described above were done with malicious, intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the purpose of harassing Plaintiff.

25. The acts and/or omissions of Defendant were done unfairly, unlawfully, intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal defense, legal justification or legal excuse.

26. As a result of the above violations of the TCPA, Plaintiff has suffered the losses and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, ALYSSA YOUNG, respectfully prays for a judgment as follows:

a. All actual damages suffered pursuant to 47 U.S.C. § 227(b)(3)(A);

b. Statutory damages of \$500.00 per violative telephone call pursuant to 47 U.S.C. § 227(b)(3)(B);

- 1 c. Treble damages of \$1,500 per violative telephone call pursuant
- 2 to 47 U.S.C. §227(b)(3);
- 3 d. Injunctive relief pursuant to 47 U.S.C. § 227(b)(3);
- 4 e. Any other relief deemed appropriate by this Honorable Court.

5
DEMAND FOR JURY TRIAL

6 PLEASE TAKE NOTICE that Plaintiff, ALYSSA YOUNG, demands a jury
7 trial in this case.
8

9 RESPECTFULLY SUBMITTED,
10

11 Date: 06-15-15

12 By: /s/ Craig Thor Kimmel
13 CRAIG THOR KIMMEL
14 Attorney ID No. 57100
15 Kimmel & Silverman, P.C.
16 30 E. Butler Pike
17 Ambler, PA 19002
18 Phone: (215) 540-8888
19 Fax: (877) 788-2864
20 Email: kimmel@creditlaw.com
21
22
23
24
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